

DISTRIBUTION

County Board
County Administrator
State's Attorney
Sheriff

Planning, Building & Development

Article II, Section 1(e), add to last sentence:
"....or in response to weather emergencies."
It was also agreed that this item would be sent
back to committee to address areas of concern.

STATE OF ILLINOIS)
) SS
COUNTY OF LAKE)

COUNTY BOARD, LAKE COUNTY, ILLINOIS

ADJOURNED REGULAR SEPTEMBER, A.D., 2002 SESSION

May 13, A.D., 2003

MADAM CHAIR AND MEMBERS OF THE COUNTY BOARD:

Your Planning, Building & Zoning and Law & Judicial Committees present herewith a
Resolution approving an ordinance amending the Lake County Public Nuisance Ordinance; and request
its adoption.

Respectfully submitted,

Ludy Marten
CHAIR
Camela D. Neider
VICE-CHAIR

Robert Sabourjian

Stephen Carlson
Randall C. White

Stanton Mountain

CERTIFIED TO BE A TRUE COPY OF
RECORDS OF THE LAKE COUNTY

BOARD MEETING OF
Planning, Building & Zoning Committee

CHAIR

VICE-CHAIR

Stanton Mountain

Carol Spielman

Camela D. Neider

Randall C. White

Carol Spielman

Law & Judicial Committee

MAY 13 2003 APPROVED

CERTIFICATION NOT VALID UNLESS SEAL
OF LAKE COUNTY, ILLINOIS IS AFFIXED

Willard R. Helander County Clerk

VOICE VOTE

Resolution Approving
An Ordinance Amending the
Lake County Public Nuisance Ordinance

WHEREAS, on October 9, 1984 the Lake County Board adopted the Lake County Public Nuisance Ordinance;

WHEREAS, on May 12, 1987, the Lake County Board amended the Lake County Public Nuisance Ordinance;

WHEREAS, pursuant to 55 ILCS 5/5-1092, counties have authority to declare vehicles which have been inoperable for a period of at least 7 days or any longer period of time fixed by ordinance, to be nuisances, and to authorize fines to be levied for the failure of any person to obey a notice to dispose of any inoperable motor vehicle under his control, and;

WHEREAS, pursuant to 720 ILCS 5/47-5, counties have authority to declare what shall be public nuisances and to abate the same with respect to the territory within the county and outside the corporate limits of any city, village, or incorporated town, and;

WHEREAS, this County Board finds that inoperable vehicles and junk and debris have been and continue to be a detriment to the health, safety and welfare of the citizens of Lake County, Illinois, specifically, among other reasons, because they tend to harbor insects and attract vermin, cause traffic and safety hazards, cause visual blight, pose a threat of environmental contamination, interfere with the use and enjoyment of property, and depreciate property values, and therefore hereby declares inoperable vehicles and junk and debris to be public nuisances, and;

WHEREAS, this County Board finds that drainage obstructions have a detrimental effect on the health, safety and welfare of the citizens of Lake County, Illinois, specifically for, among other reasons, such obstructions tend to cause flooding, create traffic and safety hazards, depreciate property values, harbor insects and attract vermin, and interfere with the use and enjoyment of property, and therefore hereby declares drainage obstructions to be a public nuisance, and;

WHEREAS, this County Board finds that excessively loud sound amplification systems and off road motor vehicles on private property operating at any time of the day or night, and that other unreasonably loud noises during nighttime hours tend to have a detrimental effect on the health, safety and welfare of the citizens of Lake County, Illinois, specifically for the reasons that such noise tends to disturb the peace, interfere with the use and enjoyment of property, cause noise pollution, depreciate property values, and be the source of conflict between neighboring property owners, and therefore hereby declares excessive noise to be a public nuisance, and;

NOW, THEREFORE, BE IT ORDAINED BY the County Board of Lake County, Illinois to amend the Lake County Public Nuisance Ordinance in its entirety, as attached hereto.

DATED, at WAUKEGAN, LAKE COUNTY, ILLINOIS, this ____ day of _____, A.D., 2003.

LAKE COUNTY PUBLIC NUISANCE ORDINANCE

WHEREAS, on October 9, 1984 the Lake County Board adopted the Lake County Public Nuisance Ordinance;

WHEREAS, on May 12, 1987, the Lake County Board amended the Lake County Public Nuisance Ordinance;

WHEREAS, pursuant to 55 ILCS 5/5-1092, counties have authority to declare vehicles which have been inoperable for a period of at least 7 days or any longer period of time fixed by ordinance, to be nuisances, and to authorize fines to be levied for the failure of any person to obey a notice to dispose of any inoperable motor vehicle under his control, and;

WHEREAS, pursuant to 720 ILCS 5/47-5, counties have authority to declare what shall be public nuisances and to abate the same with respect to the territory within the county and outside the corporate limits of any city, village, or incorporated town, and;

WHEREAS, this County Board finds that inoperable vehicles and junk and debris have been and continue to be a detriment to the health, safety and welfare of the citizens of Lake County, Illinois, specifically, among other reasons, because they tend to harbor insects and attract vermin, cause traffic and safety hazards, cause visual blight, pose a threat of environmental contamination, interfere with the use and enjoyment of property, and depreciate property values, and therefore hereby declares inoperable vehicles and junk and debris to be public nuisances, and;

WHEREAS, this County Board finds that drainage obstructions have a detrimental effect on the health, safety and welfare of the citizens of Lake County, Illinois, specifically for, among other reasons, such obstructions tend to cause flooding, create traffic and safety hazards,

depreciate property values, harbor insects and attract vermin, and interfere with the use and enjoyment of property, and therefore hereby declares drainage obstructions to be a public nuisance, and;

WHEREAS, this County Board finds that excessively loud sound amplification systems and off road motor vehicles on private property operating at any time of the day or night, and that other unreasonably loud noises during nighttime hours tend to have a detrimental effect on the health, safety and welfare of the citizens of Lake County, Illinois, specifically for the reasons that such noise tends to disturb the peace, interfere with the use and enjoyment of property, cause noise pollution, depreciate property values, and be the source of conflict between neighboring property owners, and therefore hereby declares excessive noise to be a public nuisance;

NOW, THEREFORE, BE IT ORDAINED by this County Board of Lake County, Illinois, as follows:

ARTICLE I - GENERAL.

Section 1. The Lake County Public Nuisance Ordinance shall be, and it is hereby, amended in its entirety to herewith be and read as follows:

“Section 2. This Ordinance shall be known as the Lake County Public Nuisance Ordinance.

Section 3. JURISDICTION. This Ordinance shall apply only in those areas of Lake County, Illinois, which are outside the corporate limits of any city, village, or incorporated town.

Section 4. PURPOSE. The purpose of this Ordinance is to define and abate public nuisances in the unincorporated area of Lake County, Illinois. The provisions of this Ordinance

shall be construed in accordance with the public policy findings detailed in the preamble above, which findings are incorporated herein for all purposes.

Section 5. DEFINITIONS.

(a) INOPERABLE VEHICLE. Any motor vehicle from which, for a period of at least 7 days, the engine, wheels or other parts have been removed, on or which the engine, wheels or other parts have been altered, damaged or otherwise so treated that the vehicle is incapable of being driven under its own power. It does not include a motor vehicle which has been rendered temporarily incapable of being driven under its own motor power in order to perform ordinary service or repair operations.

(b) JUNK AND DEBRIS. Includes but is not limited to garbage, tree branches, grass clippings, yard trimmings, leaves, paper, cardboard, cartons, boxes, barrels, wood, lumber, concrete, appliances, furniture, glass, bottles, crockery, tin cans, vehicle parts, boats, furniture and any other manufactured or constructed object which has outlived its usefulness in its original form (notwithstanding the fact that the object may have scrap value or could be reconditioned with substantial repair) where such object, due to its present condition and/or visibility, may reasonably be construed to be unsightly, dangerous, or unsanitary. As used herein the phrase junk and debris does not include inoperable vehicles.

(c) DITCH. Any artificially constructed open drain or natural drain, which has been artificially improved.

(d) DRAIN. Any ditch, watercourse or conduit, whether open, covered or enclosed, natural or artificial, or partly natural and partially artificial, by which surface waters coming or falling upon lands are carried away.

(e) MOTOR VEHICLE. A vehicle which is propelled by an internal combustion engine

but not operated upon rails.

ARTICLE II - DECLARATION OF PUBLIC NUISANCE.

Section 1. ACTS CONSTITUTING PUBLIC NUISANCES. It is a public nuisance:

(a) To keep or store any inoperable vehicle on public or private property unless said motor vehicle is: (1) kept within an enclosed building, (2) an operable historic vehicle over 25 years of age, or (3) is stored or kept on premises properly zoned for and engaged in the business of wrecking or junking motor vehicles or is stored pursuant to Article 6, Section 6.3.41 "Vehicle Repair Use" of the Unified Development Ordinance.

(b) To keep or store junk and debris on public or private property except in a State permitted landfill or on premises properly zoned for and engaged in the business of a junk yard.

(c) To disrupt, disturb or interfere with any ditches or natural drains across land in such a manner that such ditches or natural drains shall fill or become obstructed with any matter which materially impedes or interferes with the flow of water or redirects water onto another's property, except as otherwise authorized by law.

(d) To operate or permit operation of any radio or stereo sound amplification system or other sound amplification equipment which: 1) can be heard at a distance of one hundred feet (100') or more from the source vehicle or 2) can be heard at a distance of one hundred feet (100') from the property line of the source property, or 3) which exceeds 70db(A) (SLOW meter response) at the property line of any neighboring property zoned and used for residential purposes.

(e) To perform or allow to be performed construction, repair or remodeling work, lawn mowing, or to utilize power or non-power tools where the noise from such can be heard from a distance of one hundred feet (100') or more from the property line of the source of the noise between nine o'clock (9:00) P.M. and six o'clock (6:00) A.M. Monday through Friday and on Saturdays, Sundays, and legal holidays between nine o'clock (9:00) P.M. and eight o'clock (8:00) A.M. Excluded from the provisions of this subsection are lands or portions of any lands zoned and used for agricultural purposes, and work performed by or on behalf of any public body, or in response to weather emergencies.

(f) To operate off road motor vehicles, including motorcycles, mini-bikes, all terrain cycles, snowmobiles or other like or similar motor vehicles, on private property where the noise from which can be heard from a distance of one hundred feet (100') or more from the property line of the source of the noise in such a manner as to disturb the peace and comfort of occupants of neighboring or surrounding properties. Excluded from the provisions of this subsection are agricultural motor vehicles used for agricultural purposes and work performed by or on behalf of any public body.

ARTICLE III - ENFORCEMENT.

Section 1. ENFORCEMENT OFFICER. Sections 1(a), 1(b) and 1(c) of Article II of this Ordinance shall be primarily enforced by the Lake County Planning, Building and Development Department and may also be enforced by the Lake County Sheriff's Department and the Lake County Health Department. Section 1(d), 1(e), and 1(f) of Article II of this Ordinance shall be primarily enforced by the Lake County Sheriff's Department and may also be enforced by the Lake County Department of

Planning, Building.

Section 2. COMPLAINTS. Enforcement officers shall have authority to issue non-traffic complaint tickets (notices to appear) to any person violating any of the provisions of this Ordinance. This is not intended as the exclusive means of initiating an action.

Section 3. NOTICE TO ABATE NUISANCE. With respect to violations of subsections 1(a) and 1(b) of Article II above, enforcement officers shall provide 48 hours notice to violators to abate an existing nuisance before issuing any complaint. Said notice shall advise the violator of the violation and demand that the violation be removed within 48 hours. It shall be sufficient that the notice shall be posted on the violation in plain view. No such advance notice is required with respect to violations of subsections 1(c), 1(d), 1(e), and 1(f) of Article II above.

Section 4. VIOLATION - FINES. Any person who violates this Ordinance and, with respect to subsections 1(a) and 1(b) of Article II above fails to abate a nuisance after having been given notice as provided in this Ordinance, shall be fined not less than \$25 nor more than \$500 for each offense; and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

Section 5. INJUNCTIVE RELIEF. When appropriate the enforcement officer may, on behalf of the County of Lake, seek injunctive relief to prevent or abate a nuisance.

ARTICLE IV - MISCELLANEOUS

Section 1. SEPARABILITY/PARTIAL INVALIDITY. The several provisions of

this Ordinance shall be separable. In the event any section, clause or provision of this Ordinance is declared to be invalid by a court of competent jurisdiction, such decision shall not effect the validity of the remainder of the Ordinance not specifically included in said decision which shall remain effective, it being the intent of this County Board that this Ordinance would have been approved without such invalid provisions, clauses or sections.

Section 2. SUPERIORITY. To the extent any prior Ordinances enacted by this County Board conflict or are inconsistent with any provision of this Ordinance, the provision of this Ordinance shall control, and any such prior Ordinances or parts thereof shall be deemed to be repealed to the extent as may be necessary to bring them into conformity with this Ordinance.

Section 3. EFFECTIVE DATE. This Ordinance shall be in full force and effect immediately upon its passage."

Adopted: October 9, 1984

Amended: May 12, 1987

Amended: May 13, 2003